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Appl. No. 10/814,323
Amdt. dated November, 16, 2006
Reply to Office Action of August 16, 2006
Attorney Docket 15208

REMARKS/ARGUMENTS

Claims 1 and 3-12 are currently pending for examination. Claim 1 has been amended and Claim 2 has been canceled. No new matter has been added.

Allowable Subject Matter

Applicant gratefully acknowledges Examiner's indication that Claims 13-24 are allowed.

Rejection of Claims 1-3 under 35 USC 103(a)

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim (US 4,962,821) in view of Bamford. (US 5,964,567).

To establish a prima facie case of obviousness, four basic elements must be met. The Examiner must provide: (1) one or more references that were available to the inventor, (2) that provides some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings, (3) there must be a reasonable expectation of success and (4) the prior art reference must teach or suggest all the claim limitations. Applicant respectfully submits that the combination of references of Kim and Bamford fail to teach or suggest all the claim limitations in Applicant's amended Claim 1.

At minimum, Kim fails to teach or disclose "left side and right side drive belts are located outside the vehicle chassis" as claimed in currently amended Claim 1 (Applicant wishes to note that the only change to amended Claim 1 from originally presented Claim 1 is the addition of the limitation of previous Claim 2, which has been cancelled as of this amendment). In Kim, the left side and right side drive chains (128) and (130) are located within left and right side transmission cases (100) which can plainly be seen in Fig. 3. "The pair of covering plates (14) and (15) are adapted to define a first and second transmission cases (100) and (100) in cooperation with the side beams (11) and (12) serving as outer side walls and the connections means (102) (chassis) serving as the bottom base of the transmission cases." (Kim, Col. 4 lines 13-18, Figs. 2B, 3 and 6). In addition, "connection means (102) (chassis) is provided to rigidly interconnect the bottom portions of the first and second transmission cases in a spaced relationship." (Kim, Col. 4 lines 24-26; Figs. 2B, 3

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and 6). As the transmission cases (100) are an integral part of the chassis of the skid steer taught by Kim, clearly Kim does not teach or suggest "left side and right side drive belts are located outside the vehicle chassis" as claimed in Claim 1.

The additional reference of Bamford is cited for teaching "that belts can be used in place of drive chains as the two are equivalents" which clearly does not compensate for the deficiencies of Kim.

In addition to the deficiencies discussed above, neither of the cited references teach or suggest "left front and right front wheels independently and pivotally mounted to the chassis; left rear and right rear wheels independently and pivotally mounted to the chassis" which is also claimed in Claim 1 as both of the cited references teach skid steer loader having drive wheels rigidly attached to the vehicle chassis without a suspension means.

For at least the reasons stated above Claim 1 as presented should be allowed over the cited art of Kim and Bamford. Claim 3 depends from Claim 1 and is believed to be in condition for allowance for at least the same reasons as Claim 1. Withdrawal of the rejection is respectfully requested.

Objection of Claims 4-12 for being dependent upon a rejected base claim

Claims 4-12 were objected to as being dependent upon a rejected base claim. As Claim 1, from which Claims 4-12 depend, is presently believed to be in condition for allowance, Claims 4-12 are also believed to be in condition for allowance as presented. As such, no amendments to Claims 4-12 have been made. Withdrawal of the objection is respectfully requested.

All the claims are now believed to be in condition for allowance, early notification of which is greatly appreciated. The Examiner is invited to call the undersigned if an interview would advance the prosecution of the case. No fee is currently believed due, however, if any fee is determined to be due, the Commissioner is hereby authorized to charge the fee to Deposit Account No. 14-0780.

Applicants' undersigned attorney may be reached at the phone and fax numbers listed below.

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Respectfully submitted,



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